

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Office des Postes et Télécommunications de)
Polynésie Française) File No. SCL-LIC-20081008-00017
)
Application for a submarine cable landing)
license under the Cable Landing License Act)
of 1921 and Executive Order No. 10530)

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Justice (“DOJ”) and the Department of Homeland Security (“DHS”)(“the Agencies”) submit this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, the Agencies advise the Commission that they have no objection to the Commission approving the authority sought in the above-referenced proceeding, provided that the Commission conditions its approval on the assurance of Office des Postes et Télécommunications de Polynésie Française (“OPT”) to abide by the commitments and undertakings set forth in the December 3, 2010 National Security Agreement (“Agreement”), which is attached hereto. In the above-referenced proceeding, the Applicant, OPT, petitioned the Commission for a submarine cable landing license under the Cable Landing License Act of 1921² and Executive Order No. 10530³. In a parallel proceeding, OPT also Petitioned the Commission for authority under Section 214 of the Communications Act of 1934, as amended, to land, construct and operate a fiber-optic submarine cable system between the United States and

¹ 47 C.F.R. § 1.41.

² Pub. Law No. 8, 67th Congress, 42 Stat. 8 (1921); 47 U.S.C. § 34-39.

³ Exec. Ord. No. 10530 § 5(a) (May 10, 1954), reprinted as amended in 3 U.S.C. § 301.

French Polynesia (FCC File # ITC-214-20081008-00453).

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of the Applicant in connection with the above-referenced proceedings, the Agencies have concluded that the additional commitments set forth in the Agreement will help ensure that the Agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, the Agencies advise the Commission that they have no objection to the Commission granting the applications in the above-referenced proceedings, provided that the Commission conditions its consent on compliance by OPT with the Agreement.

Respectfully submitted,

/S/ Shawn Cooley
Shawn Cooley
U.S. Department of Homeland Security
Director – Foreign Investment Review Security Team
Office of Policy
3801 Nebraska Avenue
Washington, D.C. 20016

/S/ Richard C. Sofield
Richard C. Sofield
U.S. Department of Justice
Director - Foreign Investment Review Staff
National Security Division
950 Penn. Avenue, N.W. Suite 6150
Washington, D.C. 20530

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